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In re Application of
FERENCZI, Laurent et al.
U.S. Application No.: 10/528,170
PCT No.: PCT/FR98/01300
Int. Filing Date: 22 June 1998
Priority Date: 26 June 1997
Attorney Docket No.: S.4369
For: INSTALLATION FOR MONITORING
GAS CYLINDERS

DECISION ON
PETITION
UNDER 37 CFR 1.181

This decision is in response to applicant's "Submission," filed with the United States Patent and Trademark Office on 06 April 2005.

BACKGROUND

On 22 June 1998, applicants filed international application PCT/FR98/01300. A copy of the international application was transmitted to the Office by the International Bureau on 07 January 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 22 January 1999, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 26 December 1999.

On 23 December 1999, applicants submitted a transmittal letter for entry into the national stage in the United States accompanied by the basic national fee. The papers were assigned application number 09/446,495.

On 15 February 2000, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing of the oath or declaration were required and a Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917) indicating that the current declaration was not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

On 01 August 2000, applicants submitted a status inquiry.

On 06 April 2005, applicants submitted this petition under 37 CFR 1.181.

DISCUSSION

On 22 June 1998, applicants filed a transmittal letter to enter the national phase in the United States and the basic national fee. The submission was assigned serial number 09/446,492. However, the national stage filing of a different international application was also assigned serial number 09/446,492.

To alleviate the error, papers from 09/446,492 that were directed to the national stage of PCT/FR98/01300 have been moved to 10/528,170.

All future communications for the national stage of PCT/FR98/01300 should be directed to 10/528,170.

As to applicants' 06 April 2005 petition, a petition under 37 CFR 1.181 must be accompanied by copies of what is claimed to have been earlier submitted and evidence that those papers were submitted at an earlier point.


Applicants have submitted a copy of a postcard receipt identifying the instant application by inventor, serial number, and international application number, stamped 01 February 2000 and listing a declaration. This is adequate evidence that the listed item was received by the Office on 01 February 2000. Applicants indicate that the enclosed declaration is a true copy of the 01 February 2000 submission and the statement is signed by someone registered to practice before the Office. The declaration is accepted as having been received on 01 February 2000.

The declaration submitted on 01 February 2000 satisfies the requirements of 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the Petition Under 37 CFR 1.181 is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further national stage processing. Applicant should use application number 10/528,170 in all future communications with the Patent and Trademark Office regarding the U.S. National stage of international application PCT/FR98/01300. The application has a 35 USC §371(c)(1), (c)(2) and (c)(4) date of 01 February 2000.



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